

REMARKS

Claims 1, 2, 5-9, 11-20, and 26 are pending herein with Claims 11, 13, and 16-19 withdrawn from consideration. These claims will be reentered upon allowance of independent Claim 1. Claims 1-20, 12, 14, 15, 20, and 26 are rejected. Claims 3, 4, 10, and 21-25 are cancelled. Responsive to each paragraph of the Office Action, the Applicant has the following remarks:

Paragraph 1: Claim Objections:

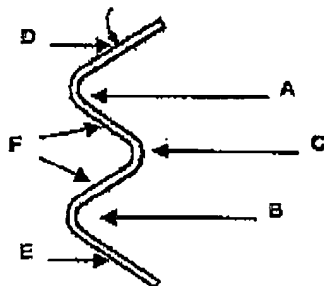
Claim 9 has been revised.

Paragraphs 2-4: 35 U.S.C. § 112:

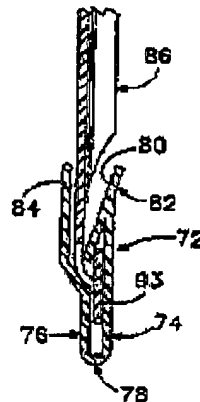
Claim 26 has been revised.

Paragraphs 5 & 6: 35 U.S.C. § 102:

Claims 1, 2, 5-9, 12, 14, 15, 20 and 26 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,950,098 to Abbott, et al. The Examiner stated that Abbot discloses a fence slat 96 including a first sidewall A, a second sidewall B, and a rib C positioned between the first sidewall and the second sidewall:



The Examiner further stated that the first sidewall, the second sidewall, and the rib each include a harpoon shaped elevated portion 93 and a locking portion 94:



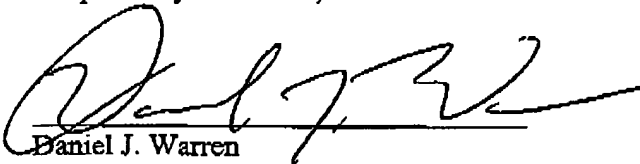
The Applicant respectfully traverses the rejections. With respect to independent Claim 1, the claim recites "the first and second sidewalls and the rib each comprising a harpoon shaped locking portion positioned thereon." Similarly, independent Claim 20 states "said pair of sidewalls and the rib each comprising a harpoon shaped locking portion positioned thereon." Finally, independent Claim 26 recites "the pair of sidewalls and the rib each comprising harpoon shaped locking means for locking the longitudinal body positioned thereon." As such, each of the independent claims requires that both the sidewalls and the ribs have the harpoon shaped locking portion. Based upon the Examiner's assertion, however, that the harpoon shaped locking portion is only formed when the slightest position within the retainer, it is a physical impossibility for all three elements of the fence slat to take on this shape. In other words, either the ribs C or the sidewalls A and B would be bent into a harpoon shape, but not all three. As such, the disclosure of Abbott does not disclose the limitations of the independent claims.

The Applicant further has added the limitation that the longitudinal body is hollow. Such a limitation clearly distinguishes the single layer shown in the cited reference. As such, the Applicant asserts that the independent claims, and the dependent claims thereon, are patentable over the cited reference.

CONCLUSION

The Applicant believes that it has responded to each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions can be directed to the undersigned at (404) 853-8028.

Respectfully submitted,


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